

Notice of Allowability

Application No.

09/781,111

Examiner

Jamie Vent

Applicant(s)

POTREBIC ET AL.

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/14/2006.
2. ☒ The allowed claim(s) is/are 1-21,23-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with Jens Jenkins on April 3, 2006.

The application has been amended as follows:

Claim 18 Line 9 (new text underlined and bolded):

automatically applying storage rules to said first tag to determine whether to delete said first recorded program from the storage device.

Allowable Subject Matter

Claims 1-21, 23-30 are allowed.

The following is an examiner's statement of reasons for allowance:

In regard to claims 1 and 24, Yap in discloses a system wherein information is recorded through a receiver and a recording device (Figure 1 receiver 40 and Figure 1 recording device 200); however lacks viewer requests. Marsh discloses viewer requests received into the system as seen in Figure 3 and wherein applies rules regarding the recording as further described Column 10 Lines 15+ through Column 11 Lines 1-25 describes the rules associated with the viewer requests. However, Yap in

view of Marsh fails to disclose the limitation of having various tags associated with the recorded material.

Vallone et al discloses a system wherein information is recorded onto a hard disk. The information is then processed through the CPU and thereby given tags of information in regard to priority as seen in Figure 17. The tags associated with the recorded shows range from information regarding importance to the program is about to be recorded; however fails to disclose that multiple tags are present to show the importance of each program. Therefore, it can be seen the prior art of record fails to disclose the following limitation:

“..upon receiving the request from the viewer to record the first program, selectively assigning a first tag to the first program, wherein said first tag is used by the system to control, at least in part, recording of the first program, said first tag including at least one of a guaranteed tag, an optional tag, or a priority tag, each of the guaranteed optional and priority tags corresponding to different criteria for recording said program; applying recording rules to said first tag to determine the request to record said first program is fulfilled.”

In regard to Claim 18, Vallone discloses a system wherein video information is managed that is associated with the television recorded programs. The system provides selection of programs as seen in Figure 17 and allows for partially recording programs in Figure 26; however, fails to disclose automatically applying storage rules.

Therefore, it can be seen the prior art of record fails to disclose the following limitation:

“automatically applying storage rules to said first tag to determine whether to delete said first recorded program from the storage device, wherein it is determined that said first recorded program should be deleted when the first recorded program is a partially recorded program or when the priority of the first tag changes.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

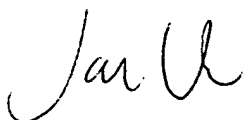
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

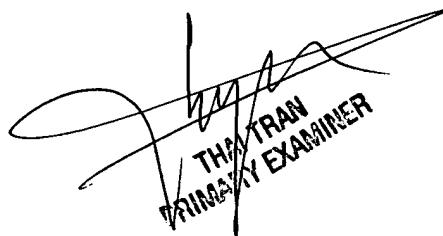
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
04/03/06



THAI TRAN
PRIMARY EXAMINER